

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 202104748	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/31/2021 9:30 PM	Location of Incident: Pizza Hut parking lot	Precinct: 102	18 Mo. SOL 1/31/2023	EO SOL 1/31/2023	
Date/Time CV Reported Sun, 08/01/2021 8:55 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/11/2021 10:51 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Shereen Summa	05405	933395	102 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Thomas Reddington	04560	965835	102 PCT
2. DTS Alex Cruz	07303	940038	102 PCT
3. PO Cody Chuchul	20247	959551	102 PCT
4. PO Fausto Rojas	22355	962747	102 PCT
5. LT SA Christopher Estrella	00000	933768	102 PCT
6. PO Giancarlo Pineda	23274	962694	102 PCT
7. SGT Andrew Bienz	02056	948670	102 PCT
8. PO Tommy Choi	20824	936346	102 PCT
9. PO Edgar Godinez	04747	962436	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Shereen Summa	Abuse: Sergeant Shereen Summa seized § 87(2)(b) property.	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

Case Summary

On August 1st, 2021, § 87(2)(b) called 911 where he was transferred to IAB and filed the following complaint. The CCRB received this complaint on August 11th, 2021.

On July 31st, 2021, at approximately 9:30pm, § 87(2)(b) returned to his four-wheeled ATV in the Pizza Hut parking lot located at 89-20 Atlantic Avenue in Queens after waiting for his food for approximately 30 minutes. § 87(2)(b) observed Lieutenant Christopher Estrella, Detective Alex Cruz, Police Officer Cody Chuchul, Police Officer Fausto Rojas, Police Officer Kevin Killela, Police Officer Giancarlo Pineda, Sergeant Andrew Bienz, and Police Officer Tommy Choi, all of the 102nd Precinct, gathered in the parking lot near § 87(2)(b) ATV. After speaking briefly with § 87(2)(b) Lieutenant Estrella called Sergeant Shereen Summa, responsible for enforcing traffic conditions, to the incident location. Approximately ten minutes later, Sergeant Summa and Police Officer Thomas Reddington, of the 102nd Precinct arrived on scene and spoke with § 87(2)(b). After reviewing § 87(2)(b) documentation including his license and registration, Sergeant Summa seized § 87(2)(b) ATV and removed the vehicle to the 102nd Precinct stationhouse (**Allegation A: Abuse of Authority**, § 87(2)(g)). All officers then left the incident location and no summonses or arrests resulted from this incident.

§ 87(2)(g), § 87(4-b)

Body worn camera footage was received for this incident from Lieutenant Estrella, Detective Cruz, PO Chuchul, PO Rojas, PO Killela, PO Pineda, PO Bienz, PO Choi, PO Reddington, and PO Godinez, the relevant aspects of which are addressed below. § 87(2)(g), § 87(4-b)

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Shereen Summa seized § 87(2)(b) property.

§ 87(2)(b) testified (BR 01) that at the time of the incident, he returned to his four-wheeler ATV in a commercial parking lot located at 89-20 Atlantic Avenue in Queens after picking up pizza from Pizza Hut. § 87(2)(b) observed Lieutenant Estrella, Detective Cruz, PO Chuchul, PO Rojas, PO Killela, PO Pineda, Sergeant Bienz, PO Choi, and PO Reddington were gathered near his ATV. § 87(2)(b) approached the ATV, whereupon Lieutenant Estrella stated that the vehicle was not legal to operate, but that Lieutenant Estrella was calling the traffic sergeant, Sergeant Summa, to the scene to make a determination. Ten minutes later, Sergeant Summa arrived on scene and spoke with § 87(2)(b). § 87(2)(b) explained to Sergeant Summa that the ATV was street legal because it was properly registered and licensed, but Sergeant Summa informed § 87(2)(b) that the vehicle was unsafe. Sergeant Summa then called a tow truck to the location and removed the ATV back to the 102nd Precinct stationhouse. On August 1st, 2021, § 87(2)(b) went to the 102nd Precinct stationhouse and retrieved his ATV without issue.

Sergeant Summa testified (BR 02) that at the time of the incident on July 31st, 2021, she received a call to respond to 92-10 Atlantic Avenue in Queens from her supervisor, Lieutenant Estrella. Lieutenant Estrella only told Sergeant Summa that he had an ATV stopped and he wanted Sergeant Summa to respond. Upon arrival to the location, Sergeant Summa was met by Lieutenant Estrella who informed Sergeant Summa that he observed a parked ATV and had spoken with § 87(2)(b) before calling Sergeant Summa. Lieutenant Estrella then left the location and Sergeant Summa assumed the remainder of the interaction. The engine of § 87(2)(b)'s vehicle was off. No member of service on scene ever informed Sergeant Summa that they had personally observed § 87(2)(b) riding the ATV. Sergeant Summa did not personally ever observe § 87(2)(b) riding the ATV. Sergeant Summa spoke with § 87(2)(b) who insisted that the vehicle was legal to ride on the street. Sergeant Summa determined that the ATV needed to be seized for safekeeping, based in part on § 87(2)(b) insistence that he could legally ride the vehicle. Sergeant Summa testified there was not a procedure by which she could have allowed § 87(2)(b) to remove the vehicle from the

location without operating it. Sergeant Summa called a tow truck to the location and removed the ATV to the 102nd Precinct Stationhouse, where it was vouchered for safekeeping. Sergeant Summa testified that § 87(2)(b) himself was not stopped and was free to leave at any point during the interaction.

A property voucher (BR 03) was prepared for § 87(2)(b) ATV, which noted the category as ‘safekeeping.’ The remarks of the property voucher read, “Listed vehicle is being vouchered as safekeeping in regard to...vehicle being parking a public parking lot. Owner of listed vehicle did not have a DOT helmet to operated listed vehicle, listed vehicle did not have mirrors and could not be properly operated on city streets posed a safety issue.”

PO Reddington’s BWC (BR 04) captures the interaction from the moment of Sergeant Summa’s arrival on scene. At 3:58 on the player timestamp, Sergeant Summa states, “We’re not going to give you any summons – I didn’t observe you riding on it...but it’s going to safe keeping. § 87(2)(b) asks, “I can’t get it towed?” Sergeant Summa replied, “No we’re going to safeguard it.” § 87(2)(b) asks Sergeant Summa why his ATV is being seized and she replies that it’s not street legal. § 87(2)(b) is not captured stating that he rode the ATV to 89-20 Atlantic Avenue in Queens.

Vehicle and Traffic Law 2400-2402 (BR 05) states, “No person shall operate an ATV on any public lands, waters, and property other than a highway, except that an ATV may be operated on such lands which have been designated and posted for travel by ATVs.”

Vehicle and Traffic Law 511-C (BR 06) states that, “A vehicle may be seized upon service of a notice of violation upon the owner or operator of a vehicle. The seized motor vehicle shall be delivered by the officer having made the seizure to the custody of the district attorney of the county wherein the seizure was made, except that in the cities of New York, Yonkers, Rochester and Buffalo, the seized motor vehicle shall be delivered to the custody of the police department of such cities.”

Sergeant Summa testified that she never observed § 87(2)(b) operating the ATV, and that no member of service on scene ever informed her that they had observed § 87(2)(b) operating the ATV. Furthermore, Sergeant Summa stated that § 87(2)(b) was not stopped during this incident, further indicating that he was not suspected of having committed a crime. § 87(2)(b) never stated to Sergeant Summa or any other officer that he rode the vehicle to the location, and § 87(2)(b) Sergeant Summa never considered § 87(2)(b) stopped or issued him any notice of violation. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 09).
- Sergeant Summa has been a member of service for 19 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 18th, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 10).

- § 87(2)(b)

Squad: 14

Investigator: C.V. Inv. Carlo Vescovi 08/10/2022
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 08/10/2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date